IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

CRL.A.No. 605 of 2002()

CC.330/1998 of JUDL.MAGISTRATE OF FIRST CLASS COURT-V, THIRUVANANTHAPURAM

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APPELLANT/COMPLAINANT:

KERALA STATE WOMEN'S DEVELOPMENT
CORPORATION LTD., K.V.TOWERS,
MARAPPALAM, PATTOM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR,
SHRI R.ASHOK, DO.DO.

BY ADVS. SRI.PATHIRIPALLY S.KRISHNAKUMARI
SRI.SABU S.KALLARAMOOLA

RESPONDENTS: ACCUSED & STATE

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1. P.SALMAJA LEELA D/O.T.V.ABDURAHIMANKUTTY
PADINJARAKATHU HOUSE, 17/115, NEAR MADHUMIYA
MASJID, J.M.ROAD PONNANI NAGARAM P.O., MALAPPURAM.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR.

BY ADV. SRI.C.A.MAJEED-R1
PUBLIC PROSECUTOR SRI. P. RAVINDRA BABU-R2

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.THANKAPPAN, J.

CRL. APPEAL NO. 605 OF 2002

Dated this the 26th day of March, 2007

JUDGMENT

This appeal is filed against the judgment in C.C. No.330 of 1998 on the file of the Judicial First Class Magistrate's Court - V, Thiruvananthapuram.

2. The appellant - Corporation represented by the Managing Director filed the complaint alleging that the first respondent availed of a loan of Rs.95,000/-from the Corporation and issued Ext.P3 cheque towards discharge of the said liability and that the cheque in question when presented to the bank for encashment was dishonoured for want of sufficient funds in the account of the first respondent. After complying with the statutory provisions, the appellant filed the complaint. To prove the case against the first respondent, the complainant examined PW.1 and produced Exts.P1 to P6. On the side of the defence, DW.1 was examined and Exts.D1 to D3 were produced. The first respondent when questioned under Section 313 Cr.P.C. denied the allegations in the complaint and

stated that the cheque in question was issued as a security for the loan taken by her from the complainant and not towards discharge of any legally enforceable debt. On considering the entire evidence, the trial court found that the complainant failed to prove the transaction which led to the issuance of Ext.P3 cheque and acquitted the accused.

3. The appeal was admitted by this Court ans notice was issued to the respondents. When the appeal came up for hearing today, learned counsel appearing for the first respondent submitted that the matter has been settled out of Court. This Court heard the appeal on merits. The trial court found that the cheque in question was not issued in discharge of a legally enforceable debt. The finding of the trial court is based on evidence. Hence, the impugned judgment requires no interference.

The Crl. Appeal is without merit and it is accordingly dismissed.

(K.THANKAPPAN, JUDGE)

sp/

K.THANKAPPAN, J.

CRL.A.NO.605/2002

JUDGMENT

26TH MARCH, 2007.